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ABSTRACT

This report examines the employment practices of Sears, Roebuck and Company, before and after the implementation of the Americans with Disabilities Act (ADA). By studying the corporate behavior of Sears, which employs an estimated 20,000 people with disabilities, the report attempts to stimulate discussion of the communication issues that Sears and other companies face regarding ADA implementation and identify the implications of Sears' ADA-related experiences, policies, and philosophy for other companies as they attempt to meet and transcend ADA compliance. The following implications are drawn from Sears' experiences: (1) the impact of the ADA on American business is evolutionary, not revolutionary; (2) universal design and access, not retrofitted technology, fulfill the objective of including people with and without disabilities in productive work force participation; (3) education of management about the ADA and capabilities of people with disabilities must not be based on paternalism or myths; (4) companies can look beyond compliance to transcendence by fostering independence and providing meaningful career opportunities; and (5) the ADA can provide a framework for dispute avoidance and resolution. Special features in the report describe information technology needs and placement of individuals with visual impairments and hidden disabilities. Appendices offer statistical data on the Sears workforce with disabilities and a list of employment and information technology resources. (JDD)

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Communicating the Americans with Disabilities Act

Transcending Compliance: A Case Report on Sears, Roebuck and Co.

by Peter David Blanck
Annenberg Senior Fellow

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Communications Policy Studies
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About the Program

The Annenberg Washington Program in Communications Policy Studies of Northwestern University provides a neutral forum, open to diverse opinion, for assessing the impact of communications technologies and public policies. The Program serves as a bridge between policymakers, industry officials, academics, the press, and the public. Newton N. Minow, a former Chairman of the Federal Communications Commission, is Director.

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◆ *Extending Telecommunications Service to People with Disabilities*

◆ *Marketplace Problems in Communications Technology for Disabled People*

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Executive Summary

Four years after its passage, the Americans with Disabilities Act (ADA) of 1990 is reshaping employment, governmental services, telecommunications, public accommodations, and, perhaps most important, public attitudes. The ADA is the most comprehensive federal law to address discrimination against an estimated 49 million Americans with disabilities. Its implementation remains the subject of intense public policy debate, particularly in light of the larger and related debates on health care and welfare reform.

Since 1990 The Annenberg Washington Program has examined the role of communications policy in implementing the ADA as part of the Program's ongoing study of communication policies in health and social issues. In 1991 the Program issued a report on telecommunication services mandated by the ADA, and the Program published a white paper on the challenges involved in implementing the ADA's employment provisions in 1993. In 1994 the Program issued a report on communications technology, inclusive education, and the ADA.

This report builds on these efforts by examining the pre- and post-ADA employment practices of Sears, Roebuck and Co., while focusing on the relationship of ADA implementation, communications policy, and information technology issues. During a two-year period the author used interviews, observation, and archival data as sources. Sears—which employs an estimated 20,000 people with disabilities—provides a case study of a company with a long-standing commitment to its employees with disabilities.

By studying the corporate behavior of Sears, this report attempts to (a) stimulate discussion and debate of the communication issues that Sears and other companies face regarding ADA implementation; (b) give hard data—much of which, including specific cost information on accommodations, has been compiled for the first time in this report—and qualitative information resources to companies as they attempt to meet and transcend ADA compliance issues; and (c) identify the implications of Sears' ADA-related experiences, policies, and philosophy relative to future practices in this critical employment area.

As described in Part Three of the report, the following five core implications are drawn from Sears' experiences:

1 The impact of the ADA on American business is evolutionary, not revolutionary.

2 Universal design and access, not retrofitted technology, fulfill the objective of including people with and without disabilities into productive work force participation.

3 Efforts to educate management and the work force about the ADA and the capabilities of people with disabilities must be based on facts, not paternalism and myths.

4 Starting from a base of ADA compliance, companies can look beyond compliance to transcendence by fostering independence, not handouts and dependence, and by providing meaningful career opportunities for people with disabilities.

5 Far from creating onerous legal burdens, the ADA can provide employers and employees with a framework for dispute avoidance and resolution, not the explosion of litigation that some observers predicted.

Each core implication is based on both progress and challenges that Sears and other companies have experienced in their efforts to comply with and transcend the ADA.

Introduction

"Do the right thing, the right way, and everyone benefits."

Edward A. Brennan, Sears Chairman and CEO

"Over the years, Sears developed a corporate culture that said, 'do the right thing for our customers and employees.' We've never had a formal program to deal with employing people with disabilities. We give jobs to people who can do those jobs. We don't focus on what people can't do. We focus on what they can do."

That formula, as expressed by CEO Edward A. Brennan, has resulted in Sears' long-established commitment to providing employment opportunities to people with disabilities, dating back to the days of Julius Rosenwald, an early Sears chairman whose involvement with the company began in 1895 and continued until his death in 1932. Rosenwald, known for his philanthropic as well as his business interests, acted upon his wife's urging to share the company's success with its employees.

Sears currently employs an estimated 20,000 people with physical or mental disabilities among its 300,000-person work force. This extrapolation is based on self-identified disabilities among 5,251 employees compiled from the company's Selective Placement Program, which since 1972 has matched the talents and skills of people with disabilities with job requirements within Sears. These numbers are not exactly proportional to the estimated 49 million Americans with disabilities among an overall population approaching 300 million, but they represent the scope of disabilities and related accommodations that enable productive, meaningful participation in the work force.

Is Sears' Approach Effective?

"There is no penalty for doing what we are doing," Brennan asserts. "In fact, it helps. People with disabilities are determined to be successful. They will work harder to do a good job. I know of few cases in which people with disabilities have not performed equal to or better than their counterparts without disabilities. At the bottom line, when we help people with disabilities, we help Sears, and we help our customers."

This approach has become inherent in the culture of Sears at virtually every level, and even though its positive impact may not be as measurable as it will need to be in the future, its value is significant enough to ensure that it remains a continuing priority, regardless of company performance.

Sears has returned to profitability after its recent highly publicized repositioning. For the first half of

1994, Sears' consolidated revenues were $25.27 billion, a 7.8 percent increase over the same period in 1993, when the company achieved record earnings ($2.37 billion net profit on sales of $50 billion). The repositioning included the sale or spin-off of the company's financial services subsidiaries, the closing of more than 100 stores, and the elimination of 50,000 permanent jobs (16,000 full-time and 34,000 part-time positions). Brennan emphasizes that the employee cutbacks were based "solely on operational criteria, without regard to individual considerations [such as disabilities] of the affected employees."

Looking ahead, Brennan sees the company's continued success and its commitment to work force diversity as "mutually reinforcing trends." "The best thing we can do for all concerned is to prosper as a business," he believes. "The better we do, the more opportunity we can provide. And the more opportunity we provide, the better we do."

Sears is one of dozens of corporate role models that provide an important "laboratory" for studying the impact of the ADA. The intent of the employment provisions of the ADA, set forth in its Title I, is to include and empower people with disabilities in the work force. However, the effectiveness of Title I depends upon education and communication—in many cases, based upon learning from models such as Sears and other corporate leaders—to achieve the following:

- Dispel myths about persons with disabilities.
- Inform people of their rights and obligations under the act.
- Equalize opportunities for advancement.
- Empower people to make more informed decisions.
- Diffuse, avoid, and resolve employee–employer disputes without formal litigation.

Empirical information about the employment experiences of people with disabilities and their attitudes toward participation in the work force is emerging and reveals progress and future challenges. Sears' experiences in employing people with disabilities affirm the importance of communication and education in successfully integrating and diversifying the work force. With more examples of corporate leadership, we can expect continued progress beyond minimal ADA compliance toward ADA transcendence throughout the American workplace.

Part One:
Transcending Compliance

Tony Norris scans his daily electronic mail (e-mail) messages. His eyeglasses move almost imperceptibly up the bridge of his nose as his brow wrinkles in recognition. "Here's one from a Shoe Department manager who needs to replenish her inventory of winter boots," Norris explains to his visitors. "I know what the problem is. Let's see what we can do to help."

As the Sears Merchandise Group's "help desk" manager for the Family Footwear Departments of the company's stores, Norris receives about 4,000 such inquiries every month, either by phone or e-mail. "It's fun to talk to the people in the stores. I know what it's like out there," Norris says, recalling his days as a Sears shoe salesman. "Most of the questions are simple, but they all need an answer. If I can't answer a question, I send it along to the line replenisher."

A typically busy day for a Sears headquarters manager, right? Well, almost. Norris handles the daily demands and routines of an important job while living with a major disability: he's been a quadriplegic since 1986 when doctors removed a spinal tumor, the first of 12 surgeries Norris endured during a 20-month hospital stay. Despite his circumstances, Sears, his employer since 1968, invited him back to work—before the ADA or the Family Medical Leave Act were the law.

Before losing the use of his arms and legs, Norris learned many skills during his career with Sears. He worked his way up through several promotions until he was traveling the world, buying shoes for the company. He was physically fit and active, and ran in the 1984 Chicago Marathon.

Now a Senior Systems Specialist in Family Footwear, Norris has become a familiar figure at the Merchandise Group's headquarters in Hoffman Estates, Illinois, negotiating his way along the gray-carpeted corridors in his motorized wheelchair. "It was difficult to come back, but important. Many people in my situation have low self-esteem. Not me. I get up every day and go to work. I'm appreciated. And I do the job as well as anyone. Actually, I've got a big mouth, so I can do it better," Norris jokes, referring to the almost nonstop inquiries he receives at the help desk.

Norris is able to perform his job effectively largely because of a voice-activated computer and breath-controlled telephone and minor modifications of his cubicle to accommodate his motorized wheelchair. "The computer has become part of me," Norris says, "and it's not all that expensive."

"Though loyalty to a long-time employee was certainly an element of Sears' interest in bringing Tony back to the company, above all it was a good-sense, business decision. Here was a trained, proven professional with a strong contribution to make. Logic dictated that an investment in accommodations would be 'paid back' many times in productivity and the ability to utilize his expertise. And that has been the case. Tony has been with Sears for 24 years, 6 years since his disability," said Craig Nesper, Inventory Systems Manager of the Sears Footwear Department.

Norris exemplifies Sears' philosophy of work force diversity that transcends mere ADA compliance. "We have a long-standing policy on accommodating people with disabilities that puts Sears beyond minimal compliance with ADA," says Isaac Hawkins, Sears Manager of Workforce Diversity.[1] "The policy is as encompassing as it is simple—we accommodate the special needs of any qualified associate to enable that person to perform his or her job. (See "The Bottom Line on Tony Norris" below.)

"After discussing the situation with the affected employee, we select the accommodation that fits best in the specific work environment. We draw the line only in those cases in which we would change or disrupt an entire system, and in those cases, our policy is to accommodate the associate's disability by placing him or her in a comparable job.

"By keeping the policy simple, we require no interpretation. It has become so ingrained in the company that people don't necessarily keep track of every accommodation; they just do them, especially the ones that cost nothing. We've had tens of thousands of accommodations, before and since the adoption of the ADA, not all of which have been formally recorded," says Hawkins.

The Bottom Line on Tony Norris

ACCOMMODATION	COSTS
Voice-activated computer	$2,400
Breath-activated telephone	$74
Alterations to work space	$500
Total accommodation costs	$2,974

PRODUCTIVITY	
Post-accommodation	4,000 help-desk calls per month
Pre-accommodation	Could not perform present job

Sears estimates that fewer than 10 percent of its associates who self-identify as disabled through the company's Selective Placement Program currently require any kind of accommodation.

The company's data on the cost of providing accommodations to Sears associates with disabilities from 1978 to 1992, presented here for the first time, are as follows:

COST OF ACCOMMODATIONS AT SEARS

ACCOMMODATIONS	1978–1992
Total number of accommodations	436 (100%)
Number requiring no cost	301 (69 %)
Number costing less than $1,000	122 (28 %)
Number costing more than $1,000	13 (3 %)
COST	
Total cost of accommodations	$52,939.80
Average cost per accommodation	$121.42
Total cost of accommodations minus those costing $1,000 or more	$15,233.25
Average cost per accommodation minus those costing $1,000 or more	$36.01

Most striking is the finding that almost all accommodations at Sears (97 percent) require little or no cost. Such accommodations include flexible scheduling, longer training periods, back-support belts, revised job descriptions, rest periods, enhanced lighting, adjusted work stations, and supported chairs or stools.

Examples of higher costs for accommodations include $1,275 for a work station for an employee with a visual impairment and $16,850 to accommodate an employee who is completely blind. Specific accommodations for the latter are a braille display at $14,500, a voice synthesizer at $1,200, and software and hardware at $1,150.

Other costs for accommodations include $2,413 for work station additions (software at $2,200 and an audio-capture card at $213) for an associate with a physical disability in Illinois; $500 for a railing in a rest room to accommodate wheelchair access for an employee in Ohio; $400 for a light-controlled fire alarm system for a Kentucky employee who is severely hearing impaired; $80 for an

electric stapler for an employee in South Dakota who suffers from Reynauds disease with resulting pain and lack of dexterity in her hands; and a no-cost schedule change to reduce stress for an employee in Nevada who is subject to epileptic seizures.

Sears also provided more expensive, state-of-the-art information technology accommodations that enabled groups of associates with and without disabilities to perform information-intensive jobs productively, cost effectively, and accurately. During 1993 the company spent $130,000 on information technology accommodations for 12 associates, as described in the Special Feature on pages 14 to 17.

Meeting the Universal Information Technology Needs of Sears Associates with Disabilities

Breaking the Graphical-User-Interface Barrier

Many computer users with disabilities—especially those with visual impairments—have been left behind in the recent transition from traditional character-based computing to the new graphical user interface (GUI) paradigm represented by Microsoft Windows, IBM OS/2, and Apple Macintosh operating systems.

The problem: special software that can read a character-based computer screen cannot interpret the icons, buttons, and other graphical components of the GUI environment. "The broad movement toward graphical applications using buttons that cannot be read aloud or translated into braille has sparked widespread concern among the blind," writes David Wilson in *The Chronicle of Higher Education*. "Many people are working on solutions to the problem, and experts say there are ways around it."

Among those working on solutions is the Sears Merchandise Group. In doing so, Sears is establishing an important example of ADA transcendence that provides a model for other organizations seeking to provide universal access to information technology for employees with and without disabilities.

Background

In 1992 the Sears Merchandise Group provided its headquarters staff with IBM personal computers running applications under the OS/2 graphical operating system in a local area network environment. Sears employees had not used a GUI operating system, so Sears provided extensive training and support during the transition.

In evaluating the staff's training needs, Sears identified 12 associates with disabilities who needed accommodations to use the same standard computing resources and applications as nondisabled associates. Of these 12 associates, 4 were visually impaired, 5 were blind, and 3 had physical disabilities that prevented them from using their hands to manipulate the computer in its standard configuration.

Sears' goal was to provide universal access to the same technology and applications for all associates.

Before the OS/2 migration, Sears had provided blind associates who routinely reviewed a large volume of printed material with Kurzweil readers and scanners, which electronically scanned documents and read them aloud through voice synthesis. Blind associates employed as com-

puter programmers used personal computers and mainframe terminals with voice-synthesized software to replace visual display monitors. Although these technologies allowed the associates who were blind to perform their jobs, they had limitations that affected the associates' productivity, and they prevented them from using the same products as the other members of their work group.

Blind associates were fearful of working in the GUI environment. Using applications in the previous DOS operating system facilitated a step-by-step approach. However, the multi-tasking OS/2 Windows-based system posed a threat to the blind associates because they did not believe technology existed to interpret the graphical computing environment adequately. They believed that the move to OS/2 would jeopardize their careers, if not leave them behind entirely. As Wilson noted, "The blind are afraid they will be cut off from computers that present information in ways they cannot interpret."

Objectives

Sears needed to define a universal set of technology to:

- Allow associates with disabilities to use the same GUI environment and applications as their work groups
- Enable a department manager to plan and budget for the addition of a qualified blind employee to the department staff
- Allow the company to evaluate blind candidates for employment and advancement on an equal footing with sighted candidates.

Evaluation, Planning Process, and Solutions

Sears contracted with Ability Consulting Services of Austin, Texas, to evaluate needs and find appropriate technology solutions. Ability Consulting interviewed all associates with disabilities to understand their jobs and the adaptive equipment they were using, researched available equipment, and prepared recommendations for each associate's customized solution. A brief description of each solution follows.

Visually impaired associates were provided with oversized, high-resolution display monitors (NEC model 5FG), which cost less than $1,000 each. This was the only accommodation they required.

Blind associates were provided with a software package called Screen Reader/2 for OS/2 from IBM, which IBM had just introduced, costing approximately $725. The software works in conjunction with an Accent or Multivoice brand voice synthesizer; each blind associate's computer was equipped with a synthesizer at a cost per unit of $1,000.

Marc Stiehr, a systems planning consultant for end-user computing, managed the project internally for Sears. He recalls, "We quickly determined that Screen Reader by itself was insufficient as a productivity solution. While it can read entire screens as well as any portion of a screen, the mainframe systems that the blind associates accessed for their work would need clearer interpretation.

"We decided to write programs called Screen Reader profiles, which would announce which screen they were on and which actions were expected. We held meetings with blind associates to identify what was important information from a voice feedback standpoint. These profiles were completed before we rolled out our solution in mid-1993."

Each associate received individual attention, including setup and training. Initial system use revealed that Screen Reader profiles helped, but they were insufficient as a total solution.

"The missing piece was braille," says Stiehr, "and they were all strong braillers." Sears then acquired an 83-cell Alva braille display, at a cost of $14,500 each, for every blind associate in the program. This solution represented the first commercial installation that integrated the Alva displays with Screen Reader/2 and voice synthesizers in OS/2.

Associates who were unable to use their hands to operate their computers received a voice-recognition system called Voice Type from Dragon Systems that allowed them to speak in words—instead of individual characters, as they had in previous systems—to interact with their computers. The system, which cost $2,400, allowed the users to create macro commands, that is, to designate individual words to represent frequently used word combinations.

Results

Annual reviews show that visually impaired associates using the improved display monitors are performing on a par with their nondisabled peers.

Blind associates have achieved productivity gains of up to 50 percent as measured by daily output of lines of computer programming code, through the combination of Screen Reader/2, the Screen Reader profiles, voice synthesizers, and the Alva braille displays.

"This combination has allowed blind associates to be truly competitive with their sighted counterparts on the new OS/2 platform," says Stiehr. "They can perform programming work, query, and modify e-mail documents, often in half the time it took before." And the solution meets Sears' objective of finding a universal technology set: "For the first time, we are able to provide one standard solution to all blind

associates," Stiehr points out.

Manually disabled associates are able to use all applications available under the OS/2 computing platform through the use of Voice Type.

"Sears is deriving knowledge that will be applicable to future cases based on the innovation, creativity, and experimentation of the GUI-accessibility project. This kind of proactive initiative can be used to help resolve or avoid future problems—a key issue addressed in ADA Title V prescriptions for conflict resolution," says Sears Assistant General Counsel Hamilton Davis. (For more information on the ADA and conflict resolution, see page 39.)

Stiehr sums up the human resource implications of these solutions, "We now have a standard computer configuration for blind users. In offering employment to the qualified blind, we provide those individuals with an environment that allows them to be judged on their abilities, rather than on their disabilities."

To foster independence, Sears has provided a training class for blind computer programmers to teach them how to write and modify the Screen Reader profile programs and other customizing procedures. This commonsense approach reduced Sears' reliance on outside consultants, thereby saving consulting fees estimated to total $6,000.

Sears has shared its experiences in developing and implementing these technology solutions with other companies and nonprofit organizations such as the Architectural Barrier Lessening and Elimination Program (ABLE) and the Lighthouse for the Blind. Stiehr says, "It's important that we help get out the message to the disabled community: business is making commitments and investments in technology that will help you succeed."

Future Considerations

The solutions developed for the Merchandise Group will be applied throughout the company as field operations convert to the OS/2 standard platform. Sears will provide software upgrades and continued improvements to the universally enabling technologies to facilitate career advancement among its employees with and without disabilities.

Sears' commitment to providing the most up-to-date information technology to support its associates with disabilities has created a ripple effect throughout the company as applications for these technologies (such as accessible CD-ROM) are developed that increase productivity in the normal course of business for all Sears employees.

For more information on technology or organizations mentioned in this report, see Appendix A, Employment and Information Technology Resources.[2]

Part Two:
Chronology of Sears' ADA Transcendence

Sears' commitment to hiring people with disabilities predates the ADA by more than 40 years and has been instrumental in shaping its attitudes toward and confidence in its employees with disabilities. A variety of pre- and post-ADA initiatives underscore the company's continuing efforts in this area.

Pre-ADA Activity

1947: Sears became a founding member of a committee now known as the President's Committee on Employment of People with Disabilities.

1954: *Program for the Employment of the Physically Handicapped.* This program summarized opinions about employing people with disabilities, reported on other companies' experiences, and outlined a strategy of guidance for an employment program for people with disabilities. The result was an aggressive campaign to integrate people with disabilities into Sears' work force. In 1954 Sears employed 981 people with disabilities, representing 0.7 percent of its total employees. Of that number, 16.9 percent (166 associates) were veterans. Types of positions ranged from department and division managers to sales, service, shipping and receiving, clerical, and store staff. (For more recent statistics, see Appendix B, Comparison of 1994 Sears Work Force Data and National Statistics.)

1968: Sears established an equal opportunity division within its national Personnel Department.

1972 to present: *Selective Placement Program.* A cornerstone of Sears' proactive approach to the employment and advancement of people with disabilities, this program matches the talents and skills of people with disabilities with the requirements of jobs within Sears. The program encourages people with disabilities to apply for any Sears job for which they believe they qualify and to identify themselves voluntarily for coverage under the program. (For more information on this program, see the Special Feature on pages 26 to 29.)

1972 to present: *The ABLE Program.* This program was designed to remove architectural barriers facing employees and customers with disabilities at all Sears facilities.

1989 to present: *Program Able Days.* Program Able is a computer training program for people with disabilities, which was established in 1986 by El Valor Corporation and the Illinois Department of Rehabilitation Services. Each year, Sears invites students from Program Able to spend a day at the Sears' Systems Department meeting systems managers, human resources managers, and former Program Able students who are working for Sears. Following their day at Sears, some students are tested and hired as interns or trainees.

1989 to present: *Merchandise Group Headquarters Design.* Sears Merchandise Group moved into new headquarters in 1991 in Hoffman Estates, Illinois, a suburb of Chicago. The 2-million-square-foot facility is located on a 200-acre site. Core elements of the campus are four- to six-story office buildings connected to a conference training center and food service area.

During the design process, the company assessed the needs of associates and visitors with disabilities. Although construction of the complex began before the ADA's passage, Sears was committed to creating a barrier-free environment and consulted with many disability groups and organizations.

Many universal design features of the new facility exceed ADA requirements and benefit all employees and visitors, not only those with disabilities. Areas considered included site design; parking; signage; sports facilities; curbs, ramps, and stairs; hospitality suites; restrooms, toilets, and showers; and routes into the buildings. Specific ADA accommodations included amplified telephones at public phone kiosks, teletype-equipped telephones, audible and visual fire alarms, and floors with textured surfaces to indicate that stairs are ahead.

In 1992, Sears commissioned the *Peer Review for Architectural Accessibility.* The study, conducted by a consulting firm specializing in accessible architecture, concluded that: "As a result of the proactive approach of Sears to accessibility, the final project [is] sensitive to the needs of visitors and employees with disabilities and serves as a model of barrier-free design."

Post-ADA Activity

1991 to present: *Corporate Council on Disability Issues.* Sears formed the Corporate Council on Disability Issues in 1991 to identify affected employment areas and implement policies to ensure fair and equal treatment of people with disabilities under ADA Title I requirements. Members included senior human resources staff members, attorneys from the corporate counsel's office, a rehabilitation consultant, a compensation consultant, and operating managers.

The council implemented a variety of changes including the following:

- Application forms no longer request information about applicants' disabilities or need for accommodations.
- Revised job descriptions include only essential job functions.
- Medical examinations and health histories are requested only after a conditional job offer has been made.
- An ADA compliance booklet, which is described below, was compiled and distributed internally.

In 1993 the company replaced the Corporate Council on Disability Issues with a rotating Diversity Council, which includes employees with disabilities and managers of employees with disabilities. The council meets quarterly to provide policy input on diversity issues.

1991 to present: *Accessibility Requirements and Planning for Employees and Customers*. Sears has taken an aggressive role in making its facilities accessible and communicating its ADA compliance to all affected constituencies. Sears understands that its commitment to accessibility makes good business sense: well before the ADA, the company's stores accommodated the general population with disabilities, a potential customer group numbering more than 40 million. For example, Sears provided accessible elevators and parking before these accommodations were required by law, and its long-established Home Health Care Catalog, featuring products for health maintenance and rehabilitation, demonstrates how Sears' do-the-right-thing philosophy translates into profitable business. The specialty catalog has been printed annually for 28 years and is circulated to 1.2 million households; it is also available in Sears stores.

To ensure compliance with ADA Title III provisions on public accommodations, in 1991 Sears sent an extensive 80-question survey about existing accommodations for people with disabilities to each store. The Corporate Council on Disability Issues reviewed the responses and produced an ADA compliance booklet, including an action plan that each store manager completes. The booklet included guidance for store employees when serving customers with disabilities, for example:

- "Sears is in the business of serving customers. Customers with disabilities are no exception. They simply need some special assistance."
- "Let the customer with a disability decide what, if any, special assistance is necessary. He or she is the best judge."
- "Direct your attention to the customer regardless of whether a companion or attendant is present. Keep in mind that the disabled customer is the decision maker. Be courteous, not solicitous. Treat the customer with the same attention and respect that all Sears customers expect."
- "The ADA extends civil-rights protection to people with disabilities. . . . The law will enable more people with disabilities to shop at Sears. . . . Our goal is to satisfy all Sears' customers and keep them coming back."

1991 to present: *Project Access.* Sears joined with other national companies to form Project Access, an organization designed to help businesses comply with the ADA and deal with the issues involved in the employment of people with disabilities.

Project Access disseminates information on the experiences of companies that have employed large numbers of employees with disabilities to help lower the learning curve for other companies, share information on actual experiences, and identify useful resources. Project Access initiated the country's first computer information center for businesses designed to serve as an ADA compliance resource. Other programs have included a pilot effort with the Department of Labor to catalog organizations that locate and train employees with disabilities.

1991 to present: *Early Return-to-Work Program.* Sears Loss Prevention Department implemented this program as an extension of the company's safety initiative. It provides modified or temporary duty to shorten the length of absence resulting from work-related injury. The goal is to convert what might become a permanent disability into a temporary disability.

An injured employee who misses more than 20 days of work automatically becomes a member of a sponsor team that includes a co-worker, supervisor, unit manager, and insurance claims manager. The co-worker keeps the injured worker informed and lets Sears know how the injured worker is recovering. The program helps speed the employee's return to work and keeps the injured employee involved.

1993 to present: *National Management Training Program.* Sears recruits 100 to 150 new associates annually into its National Management Training Program. Workforce Diversity Manager Hawkins says, "The people recruited into this program are Sears' future leaders. They exhibit characteristics that enable them to excel in our corporation. One of our Workforce Diversity Initiatives is to recruit people with disabilities into the program."

Through mid-1994, Sears had provided more than 400 recruiters with special training for properly assessing and managing interview situations in which an applicant self-identifies a disability or requirements for accommodations.

"We are prepared from the standpoint of trained recruiters," says Lorna Lanford, a manager in Sears college recruiting program. "We recruit actively on 95 college campuses for the National Management Training Program. We expect to interview qualified candidates with disabilities on every campus we visit."

During spring 1994, Sears participated in a disabilities job fair in Chicago, sponsored by the Illinois Department of Rehabilitation Services. Sears recruiters visited more than 50 job fair attendees and initiated formal interviewing processes with 3 applicants whose disabilities included lower body paralysis, speech and hearing impairments, and albinism.

1993 to present: *Education and Communication Programs.* Sears communicates its efforts to all employees through newsletters (*Prairie Lines* at the headquarters office and *Front Lines* for store and other field employees), e-mail, policy statements, teleconferencing, and training materials.

Sears produced and made available to all employees a 40-minute training video that included ADA issues, the hiring of associates with disabilities, and general training about diversity in the workplace. The objectives of the training video were to help managers be more sensitive to employment issues related to people with disabilities, recognize situations requiring accommodations, and deal with instances of noncompliance or nonaccommodation. The company currently uses accessible CD-ROM multimedia computer technology in some of its disability training programs.[3]

1994 to present: *Workforce Diversity Initiative.* Sears conducted a company-wide Workforce Diversity Initiative during 1994 using focus groups and employee surveys to help define management issues; employee perceptions; and ongoing objectives, strategies, and tactics to help Sears "remain effective in managing diversity," says Workforce Diversity Manager Hawkins. "The initiative will ultimately

lead to the development of a blueprint for high-performance management in all facets of work force diversity. We will use this process to understand needs and perceptions across diversity issues," Hawkins explains. "The initiative enables us to focus on issues that arise concerning the ability of people to work together."

Participants in the study were selected from Sears' master database of employees according to such characteristics as race, gender, age, disability, ethnicity, region, and job. The Diversity Initiative focused on the company's accommodation processes for diverse groups of employees in the home office and the field, including credit operations, product services, and retail stores. Six staff members from Workforce Diversity coordinated the study, which examined a representative sample of Sears' entire work force, including associates with disabilities.

Specific questions that the focus groups addressed concerning disability issues included:

- What accommodations do you need to perform to an optimal level?
- In what ways do you feel supported by your co-workers to do your job?
- To what extent do you believe your supervisor's evaluation of your work is based on perceived notions or stereotypes?
- What, if anything, needs to be done to improve the working relationship between minority groups and the majority group at Sears?

By summer 1994, 300 employees had participated in the focus groups and another 25,000 had taken part in a written survey. In early 1995, Sears will produce a formal review of the initiative, including recommendations for an ongoing management plan.

"We began this initiative with open minds," Hawkins says, "but we had several intuitive conclusions that we expected to demonstrate. For example, we believed our associates accept the importance of diversity as a core value of our corporate culture. The initiative supported that conclusion."

Ongoing: *Sharing Communication Strategies.* Sears receives many requests for guidance and information from other companies. In fulfilling these requests, Sears emphasizes that ADA compliance is an investment in the future of the company and points out that accommodating employees and customers with disabilities is consistent with its do-the-right-thing philosophy of good business practices. Both domestic and international groups have visited Sears Merchandise

Group headquarters to discuss accommodations for people with disabilities and to tour the site. One international group was from Asia—part of an East Asian exchange program—with special interest in employing and accommodating people with disabilities.

Sears also recently conducted a workshop and tour for business leaders from the Institute of Industrial Engineers. Discussion centered on methods of compliance with the ADA, and participants visited the work stations of several employees with disabilities. The Workforce Diversity Department has designated one staff member to be a resource and representative to the industry on disability issues.

Sears also continues its active participation on the Employers Committee of the President's Committee on the Employment of People with Disabilities. For example, Sears participated in writing *Ready, Willing and Available*, a guide for integrating people with disabilities into the workplace for small and medium-sized employers. Sears also helped start the Job Accommodation Network (JAN), a toll-free phone service of the President's Committee that helps employers find ways to accommodate employees with disabilities. (For more information on JAN, see Appendix A.)

Ongoing: *Supported Employment Initiatives.* Supported employment programs sponsored by nonprofit organizations are helping people with disabilities participate in meaningful employment. This is another area in which Sears' participation demonstrates ADA transcendence. For example, a Sears store in Escondido, California, has begun a pilot job-sharing program in collaboration with the United Cerebral Palsy Association (UCP) of San Diego County to employ people with cerebral palsy. The store is employing four individuals with cerebral palsy to maintain stockroom inventories in the expectation that they will cumulatively perform the same amount of work as one employee without a disability. The UCP provides transportation to and from work for the employees and furnishes a full-time trainer/manager at no cost to Sears. The only cost to Sears is an hourly wage rate of $5.29 to the UCP, which covers payroll administration for the employees. If successful in the Escondido store, this model program may be extended to other Sears stores, according to Harry Geller, Sears Workforce Diversity Regional Manager.

Sears also participates in the Iowa Creative Employment Options initiative and the Wisconsin Employment Resources program. Through the Iowa program a Sears store in Des Moines employs three persons with mental disabilities in jobs similar to those described above in the UCP job-sharing program.

Selective Placement Program Helps Blind, Visually Impaired Employees Be Independent

Don Mott, Brad Shorser, Alan Sprecher, and Mary Ann Stephen have several things in common. They all work for Sears. They successfully handle the challenges of important, information-intensive jobs. And they all are either blind or severely visually impaired.

Each individual represents a positive example of Sears' Selective Placement Program. The policy encourages people with disabilities to apply for any Sears job for which they believe they qualify, and to self-identify themselves for participation in the Selective Placement Program. The goal of selective placement is to match people to jobs based on what they can do, as opposed to what they cannot do. Through accommodations, Sears helps the associate to perform the job successfully.

Brad Shorser and Mary Ann Stephen have retinitis pigmentosa, a congenital, progressive disintegration of the retinas. Both have some vision. Stephen, an administrative assistant in Sears' Legal Department, is not legally blind and maintains much of the independence that fully sighted people enjoy. However, she is effectively blind at night and on hazy days and has difficulty reading.

Stephen uses a text enlarger for reading printed material and an oversized, 19-inch, high-contrast computer monitor for reading computer files. "I asked for the monitor at my physician's recommendation. The boss said, 'Whatever you need, just order it.' There are other accommodations that may seem small but are very important to me. For example, my bosses use black felt-tip markers so I can read their writing. They're happy to help me, and I appreciate it," Stephen notes.

Shorser, a 20-year Sears veteran, started as a retail management trainee but decided to focus on the operations side of the business when it became evident to him that his disability would prevent him from working in merchandising. He spent five years in two stores in operations positions, first in customer service, "where I learned how to say yes," then in personnel, "where I learned how to say no," he jokes. All the while, his retinitis pigmentosa was progressing.

"In the 1970s, my attitude concerning retinitis pigmentosa was that I had the disability, not Sears. So I paid for my own equipment," Shorser says. That equipment included an Opticon reading machine that

enabled him to read 50 words a minute. "My store manager encouraged me to try it," he recalls.

He moved to the headquarters staff in Chicago in 1980, where he joined the Importing Department. Today, he is Senior Manager of Import Operations, responsible for U.S. Customs issues, domestic distribution and billing, ocean carrier logistics, and negotiations with a third-party logistics company that Sears manages.

Two principal technology accommodations—now paid for by Sears—help Shorser perform his job. They are a Kurzweil reading machine that scans text and recites it, using synthesized human speech, and an IBM PC equipped with an Alva braille display, Screen Reader software, and a voice synthesizer. "I'm becoming computer literate," Shorser says with a trace of amazement. "I appreciate the independence that brings."

Don Mott and Alan Sprecher are more than computer literate, they are computer programmers. Both are using Alva braille displays with Screen Reader software to use their personal computers more productively and accurately. "I don't know how I got along without this stuff," admits Sprecher, a six-year Sears employee who has been blind since birth. "Since I got the braille display, I'm printing out less on the braille printer, which saves time."

Sprecher is a COBOL programmer, creating mainframe sales reporting applications. He received entry-level programming training at Sears after earning an associate degree in data processing from the Milwaukee (Wisconsin) Area Technical College. Sears recruited him through its contacts at the Chicago Lighthouse for the Blind.

What Mott needed when he joined Sears was a chance to start a new career. Before losing his sight in a 1981 accident, Mott had been an owner-operator trucker and operations manager for a trucking company. "After eight months of rehabilitation at the Illinois Visually Handicapped Institute, Mott channelled his energies into athletics and achieved his dream of competing on the U.S. Paralympic Team at the Seoul Olympics in 1988, where he placed 7th in the pentathlon for blind athletes, missing 3rd place and a bronze medal by 75 points.

"When the Olympics were over, I said to myself now what? I started looking around for computer training and found out about Program Able. After nine months at Program Able, I was interviewed by Sears and they hired me," Mott recounts. (For more information on Program Able, see page 19).

Having joined Sears in late 1991, Mott now works as a programmer in Human Resources Management Systems, writing file maintenance batch programs for national user payroll and applicant tracking. He is pleased

with the special computer equipment that Sears has provided.

"I had input into specifying my computer equipment," Mott explains. "I requested the Alva braille monitor. I'm happy with the way it works. It's helped us work faster and more accurately."

Mott, Shorser, Sprecher, and Stephen believe that Sears has

The Bottom Line on Don Mott

ACCOMMODATION	COSTS
Alva braille display	$14,500
Screen Reader/2 software	$725
Accent voice synthesizer	$1,000
Total accommodations cost	$16,225

PRODUCTIVITY

Post-accommodation: Equal to nondisabled employees

Pre-accommodation: Could not have been hired to perform present position

"Don is a great illustration of the value of specialized training programs like Program Able that allow companies like Sears to take advantage of the skills of talented people who we probably would not otherwise hire," said Bill Brannen, Department Manager, Human Resources Information Technology. "Don is an extremely creative and innovative programmer, a skill he didn't even know he had until his disability required that he be creative in identifying his own range of talents. In the process, Sears has identified a proven source of skilled, trained employees who know precisely what they require on the job, to do the job. And, we have been able to add a great asset to the company."

The Bottom Line on Brad Shorser

ACCOMMODATION	COSTS
Kurzweil reading machine	$10,000
Alva braille display	$14,500
Accent voice synthesizer	$1,000
Screen Reader/2 software	$725
Total accommodations cost	$26,225

PRODUCTIVITY

Post-accommodation: Senior manager position in one of the largest import businesses in the United States, supervising a staff of 15

Pre-accommodation: Would not have been able to perform present job

"Brad has 20 years of expertise that you can't put a price tag on," said Bill Ginsburg, Director of International Import Operations. "You can't measure or quantify what Sears gets out of the relatively modest accommodations he requires that allow us to benefit from his expertise. At the bottom line, Brad is extremely good at what he does. Though imports is a visual business, Brad is very good and accurate at being able to envision things he can't actually see. I have as much faith in him as I do in anyone else. I trust and value his judgment."

demonstrated a commitment to fostering independence for people with disabilities. "There are no restrictions. They don't hold you back; I've had four promotions in five years," says Stephen. Mott adds, "Sears doesn't hire you because you have a disability. They hire you to do a job. I'm in the mainstream here."

The Bottom Line on Alan Sprecher

ACCOMMODATION	COSTS
Alva braille display	**$14,500**
Screen Reader/2 software	**$725**
Accent voice synthesizer	**$1,000**
Total accommodations cost	**$16,225**

PRODUCTIVITY

Post-accommodation: Equal to nondisabled employees, braille display over printer represents a 10 to 1 savings in time

Pre-accommodation: Could not have been hired to perform present position

"Though technically Alan's job description has to do with designing, coding, and testing computer programs, he is above all a problem solver. He analyzes problems and comes up with solutions—and that's what his job calls for," said Mike Offerman, Systems Consultant, Project Leader. "His disability is not a factor. He knows his programs inside and out and has tremendous insight, a great analytical mind, and a positive attitude. What more could I ask for? He's been here six years. The accommodation was 'paid for' long ago."

The Bottom Line on Mary Ann Stephen

ACCOMMODATION	COSTS
Text enlarger	**$2,500**
High-contrast computer monitor	**$5,000**
Total accommodations cost	**$7,500**

PRODUCTIVITY

Post-accommodation: Equal to nondisabled employees

Pre-accommodation: Would not have been able to continue to perform present job

"I don't think of Mary Ann as having a disability," said Laura Plank, an attorney in Marketing Practices. "This is probably the best example of the value of her accommodations. I think of her as a responsive, productive, hard worker who performs equally with everyone else on the team. She has a good attitude, is willing to do any task we ask of her, and in short she doesn't let anything stop her, certainly not her visual problem that can be accommodated by special equipment."

Part Three:
Five Core Implications for the 21st Century

This report has highlighted the successes and challenges in Sears' programmatic effort to diversify its work force. As Sears Chairman Brennan says, "Our corporate culture has permitted us to be a laboratory to show results." Although the experiences of one such laboratory may be insufficient for drawing sweeping conclusions about the ADA and corporate America, they suggest five core implications for management, workers, and institutions.

Drawn from Sears' experiences and confirmed in other empirical studies of the ADA, the five implications are as follows:

1. The impact of the ADA on American business is **evolutionary, not revolutionary.**

2. **Universal design and access, not retrofitted technology,** fulfill the objective of including people with and without disabilities into productive work force participation.

3. Efforts to educate management and the work force about the ADA and the capabilities of people with disabilities must be based on **facts, not paternalism and myths.**

4. Starting from a base of ADA compliance, companies can look beyond compliance to **transcendence by fostering opportunity and independence, not handouts and dependence,** and by providing meaningful career opportunities for people with disabilities.

5. Far from creating onerous legal burdens, the ADA can provide employers and employees with a **framework for dispute resolution and litigation avoidance,** not the explosion of litigation that some observers predicted.

Each core implication reflects the progress and challenges that Sears and other companies have experienced in their efforts to comply with and transcend the ADA.

1 Evolutionary Not Revolutionary

CEO Brennan sums up the view of the ADA's evolutionary rather than revolutionary effects: "The ADA was something whose time had come, but we were always out in front on these issues to meet the needs of our customers and employees."

Everyone at Sears who participated in this report agreed that the ADA is having a positive effect, although some associates expressed a benign indifference to the act. "I don't even know what's in it [the ADA]," says Don Mott, a computer programmer who is blind. "I don't think it's had any impact on Sears. The company was doing these things for people with disabilities before the ADA."

"I haven't noticed any difference in people's attitudes since the ADA," observes Alan Sprecher, another computer programmer who is blind. "Most people don't know the requirements or implications of the law until someone makes an issue of it."

Import Manager Brad Shorser, who is also blind, is a bit more upbeat. "The ADA has helped raise the consciousness of hiring managers, who now seem more willing to accept people with disabilities. But it's not just the ADA. It's everything that led up to it, including the civil rights legislation of the 1960s. Combined with Sears' policies, the ADA is helping to break down psychological barriers about people with disabilities."

Mary Ann Stephen, an administrative assistant who is visually impaired, agrees. "The ADA is helping people get information. People with disabilities used to be afraid to talk about their disabilities or get help or information. Now we're not as afraid. There's somewhere to go."

Tony Norris, a Footwear Department executive who is a quadriplegic, echoes this sentiment. "The ADA has been good in awakening the public to people with disabilities. People don't shy away from us as much as they used to."

Remaining Challenges

Lingering prejudices about hidden cognitive and mental disabilities are preventing many people from enjoying full productive participation in the workplace. (For more information, see the Special Feature on pages 36 to 37). Even among people with disabilities who have achieved integration into the work force, a perceived glass ceiling limits their career advancement, and a sense of separateness is difficult to overcome.

"I don't know that I've ever been or ever will be part of the gang," says Sprecher. "Being disabled, you don't fit in 100 percent." Shorser agrees. "I don't expect we'll ever get to the point where prejudice against people with disabilities disappears completely."

ADA: Core Concepts

The ADA is the most comprehensive federal law to address discrimination against an estimated 49 million Americans with disabilities. As demonstrated by the experience of Sears and other companies, the ADA is incrementally, yet vitally, affecting American business.

Title I: Employment

This title prohibits an employer from discriminating against a qualified individual with a disability in the application, hiring, advancement, and discharge process.

Title II: Public Services

This title states that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefit of the services, programs, or activities of a public entity. Title II also addresses public transportation.

Title III: Services Operated by Private Entities

This title prohibits discrimination on the basis of disability in the full and equal enjoyment of the goods, services, facilities, or privileges of places of public accommodation by any person who owns, leases (leases to), or operates a place of public accommodation.

Title IV: Telecommunications

This title directs the Federal Communications Commission to ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals.

Title V: Miscellaneous Provisions

This title includes construction of the law, coverage of Congress and the legislative branch, and definitions. Title V encourages the use of alternative dispute resolution.

A sense of frustration or regret is evident in talking with some Sears employees with disabilities; some feel that the ADA by itself may never change lingering attitudes. "It can be frustrating to admit your limitations," says Shorser, "even in an environment like Sears where you are encouraged to reach your full potential."

While an inclusive corporate culture such as Sears' helps speed the ADA evolution, completing the process will require more intensive education and communication between management and the work force.

2 Universal Design and Access, Not Retrofitted Technology

The ADA encourages equality of access: to employment opportunities, to facilities, to information. Often the best solutions for providing access are those that have universal application, especially with regard to facility design and information technology. (See the Special Feature on pages 14 to 17.) Universal design and access solutions make possible a level playing field on which all people can participate and compete based on their abilities, not on their disabilities, as noted below:

- The rapid developments in electronic information technologies enable people with various disabilities to learn, communicate, and experience meaningful participation in the work force in ways that were not previously available. Sears' success in providing employees who are blind with access to the graphical computing world is an example of universal access solutions that allow all employees to share equally in the benefits of computer and communications technology.

- Telecommuting, the ability to work at home while using modems, fax machines, and telephones to stay connected with the office, is one of the accommodations that has emerged through information technology. Telecommuting is another universally applicable solution, and one that involves minimal costs. Many companies are using the telecommuting option to save costs associated with traditional office overhead. Sears has no formal policy in this regard but allows employees to work at home temporarily on a case-by-case basis during recovery from an illness, injury, or pregnancy, or because of other temporary considerations, such as child-care problems.

"It seemed the right thing to do," said Sharon A. Scanlan, Sears Merchandise Group Divisional Vice President, about telecommuting as applied to her assistant, Marci Grossman, because of her work pattern during the last three months of her 1994 pregnancy, considered high risk. Grossman serves as Training Manager for field sales personnel in the Apparel/Home Fashions Group at Sears. To enable the modified bed rest Grossman required, Sears provided a lap-top computer with supplies, a second phone line, and special mail delivery and pickup. Sears also paid service charges for Grossman's fax machine and e-mail. Although she missed daily contact with coworkers, Grossman liked the flexibility of her work hours and noted a reduction in stress and distractions. Scanlan and Grossman said their working relationship "didn't skip a beat." Scanlan added, "It was right for the company and right for Marci."

- Designing universal access into new or remodeled facilities is not necessarily a costly proposition. As Sears' experience has shown, the vast majority of accommodations for people with disabilities requires little or no cost, and they result in benefits to the entire work force, not just those with disabilities. (See "Cost of Accommodations at Sears" on page 12.)

Remaining Challenges

Solutions in universal design and access should be proactive, anticipating the needs of people with and without disabilities. Such solutions can create a ripple effect throughout an organization, as they lead to applications that increase the productivity of all employees. Attempts at retrofitting old technology are less successful and often more costly.

3 Fact-Based Education, Not Paternalism and Myths

The issues of providing access and equal opportunity to people with disabilities have been shrouded in myths and misconceptions. In-depth case reports provide a process, a structure, and a model for other companies to educate their management and employees by using facts and empirical data that debunk the myths and shatter misconceptions.

"While earlier research, notably the Dupont Survey of Employment of People with Disabilities, demonstrated that employment of people with disabilities is good business, the Sears case history reflects the next generation of study to support this

important conclusion," said Gerald D. Skoning, a partner at Seyfarth, Shaw, Fairweather & Geraldson and one of the founding board members of Project Access.

Fact-based education is not as simple as it sounds, however. Companies like Sears have found it difficult to establish objective systems to gather and analyze data. One of the shortcomings that became obvious in the preparation of this report was the lack of sophisticated databases to compile statistics on disabilities, accommodations, costs, and paybacks.

- "We need to strengthen and improve our information resources relative to our work force with disabilities," admits Workforce Diversity Manager Hawkins. "We've come up against questions that, frankly, we had never asked ourselves, especially regarding the bottom-line effect of our accommodations and selective placement policies. Our current Workforce Diversity Initiative will help us map out the next steps for improving and accessing data resources."

- Sears has learned another important lesson: don't be afraid of the law. Through early 1992, Sears had maintained a comprehensive database of employees with disabilities, but the company stopped asking new employees to self-identify disabilities because of legal concerns raised by its interpretation of how the Rehabilitation Act of 1973 (a precursor to the ADA) might be applied to the company in its role as a federal contractor. "Until we got clearance to ask people to self-identify after an offer of employment, we stopped asking," says Workforce Diversity Manager Hawkins. "Now we ask. That information is kept in a confidential database that is accessible only to the Workforce Diversity Department."

- An important missing link in determining the ADA's effectiveness is the quantitative and qualitative experience of people with hidden disabilities in the workplace. "We know of many cases in which our stores have hired associates with learning disabilities, attention deficit disorder, and mental retardation, among other cognitive disabilities," says Hawkins, "but we maintain no database of these disabilities because the associates so far have chosen not to self-identify." (See the Special Feature on pages 36 and 37.)

Education and Data Needed on Hidden Disabilities

Despite its high profile as an employer of choice among people with disabilities, Sears was unable to provide many examples of employees with hidden cognitive or mental disabilities, such as bipolar (manic-depressive) disorder, anxiety disorders (phobias), or mental retardation.

"Cognitive disabilities are difficult issues for most people," says Harry Geller, Sears Workforce Diversity Regional Manager. "We don't ask people to identify specific disabilities. We give them an opportunity to ask for accommodations that will help them perform their jobs. More often than not, associates who have self-identified cognitive or mental disabilities have not gone on the record with their stories."

Issues of privacy and confidentiality collide with the company's culture and its desire to intervene and provide accommodations for these types of disabilities.

"Our corporate culture of inclusiveness and access to assistance provides an open door to our associates with hidden disabilities," Geller notes, "but once the door is open, it's the associate's decision to walk through it."

Workforce Diversity Manager Isaac Hawkins related an anonymous case history of a Sears associate with epilepsy. He says a store manager called the Workforce Diversity Department to inquire about accommodations for an epileptic store cashier who had injured herself on the job during a seizure.

In this case, Sears decided to pay for a physical examination, and upon receiving assurance from the examining physician of the associate's fitness for continued employment in her current position, implemented a series of accommodations, including: (a) stress management education because most of her seizures are stress induced; (b) more rest breaks during her work shift to further reduce on-the-job stress; and (c) a signaling device that acts as a reverse pager, provided by Sears at no cost to the employee, enabling her to signal for help at the onset of a seizure and ensuring that she will receive prompt attention and treatment.

One demonstrable way in which Sears provides assistance to associates with hidden disabilities is through the company's Employee Assistance Program (EAP), established in 1992. This program provides assessment and referral services for associates who need help in dealing with personal problems that could adversely affect their health or job performance, such as stress, depression, or substance-abuse problems.

The program is confidential, operated and administered by an independent organization under contract with Sears. Sears pays the entire cost of the program's services for employees and their dependents. Costs for treatment required beyond the scope of the program are the employee's responsibility. During the first year of the EAP, the cost totaled $1.5 million, including crisis intervention, phone consultation, management training, and printed materials. Of 180,000 eligible Sears employees, approximately 5 percent (9,000 employees) used the program.

Under the program, employees and covered dependents receive a maximum of three sessions related to a given problem, as determined by the professional counseling staff assigned to the program. Use of the EAP is voluntary and does not jeopardize an employee's status or advancement opportunities. Program participants are assured complete confidentiality to the fullest extent provided by law.

The EAP demonstrates Sears' commitment to helping its associates with a variety of hidden disabilities deal with those problems confidentially and maintain a productive career and a stable personal life.

Recognizing and helping employees with hidden disabilities is an ongoing issue, not only for Sears, but for all American employers. Communication and education efforts spurred by the ADA may help companies and employees resolve issues related to hidden disabilities through trust, partnership, innovation, and creativity, and in doing so may help overcome the myths and attitudes of paternalism.

The experiences found at Sears build on the author's earlier research, a study of 1,500 adults with mental disabilities conducted from 1990 to 1993.[4] That project's key findings included the following:

- During the three years studied, participants improved substantially in their capabilities and qualifications, level of inclusion and empowerment in society, and level of accessibility to society as defined by the ADA.

- More than half (59 percent) of respondents remained at the same level of employment during the three years studied. One-quarter advanced to more integrated employment, and 16 percent regressed into less integrated settings.

- Younger qualified participants experienced the highest relative increases in income and employment integration.

- A strong predictor of employment integration was the degree of independence and integration in the living setting.

- Two-thirds of those who were either unemployed or employed in nonintegrated settings at the beginning of the study remained in those settings at the end of the study.

The findings provide promising leads for further study of job attainment and retention trends for people with and without mental disabilities during the implementation of the ADA.

Remaining Challenges

Companies must continue to establish systems that objectively measure the costs and benefits of accommodating people with disabilities in their work forces. An important factor that remains unknown is the ADA's effect on the long-term, economic bottom line.

This question is now just beginning to be addressed. (For bottom-line calculations, see pages 28 and 29.) According to the most recent report on accommodation benefit-cost data by the Job Accommodation Network, a program of the President's Committee on Employment of People with Disabilities, from the third quarter of 1992 through the first quarter of 1994, employers reported a median of $30 in benefits for every dollar spent on accommodations.[5] Furthermore, 42 percent of employers believed that they had received more than $10,000 in business value from the accommodations they had made for employees with disabilities.

4 Opportunity and Independence, Not Handouts and Dependence

The ADA plays an important catalytic role in creating a culture of independence among people with disabilities in the workplace, supplanting the old stereotypes of make-work jobs and handouts that bred dependence.

Companies like Sears, with a corporate culture that encourages work force diversity and emphasizes the inclusion of people with disabilities, transcend the minimal compliance requirements of the ADA by providing meaningful career development opportunities for all employees, based on what they can do, not limited by what they cannot do.

Remaining Challenges

Qualified people with disabilities remain underrepresented in the American work force. Companies must continue to find effective ways to ensure their meaningful participation in productive employment. For instance, accessible technology that transcends ADA compliance has implications beyond the work site: telemedicine will bring doctors to geographically isolated workers to help reduce chronic unemployment, underemployment, and dependence among people with disabilities. Additional dialogue and research are also needed on the emerging work force of the next century, not only for people with disabilities, but for all underrepresented individuals in society.

The Culture of Dispute Avoidance and Conflict Resolution

One area that Sears is tracking closely is the effect of the ADA on conflict resolution. Sears has encountered six ADA-related employee lawsuits through early 1994 (five of them related to termination of the employee).

"We have not seen the explosion of litigation that was predicted or expected by many experts at the time the ADA was enacted," says Hamilton Davis, Assistant General Counsel in Sears Legal Department. "The fact that we've only had six ADA-related suits says something positive about our corporate culture, which encourages our employees to talk to their supervisors about problems while those problems are still resolvable."

Section V of the ADA encourages companies to use alternative dispute resolution techniques to avoid costly litigation. Sears has adopted alternative dispute resolution as a formal policy, in litigation, with good results. Davis says disability-related disputes are good candidates for resolution through fact finding and mediation because of the readily available accommodations that may be defined as solutions. He also points out that through mediation of disability-related disputes, company management better understands the issues involved, and all participants are able to agree on realistic expectations and resolutions.

In addition to a low incidence of lawsuits related to the ADA, Sears also has experienced fewer ADA-related employee complaints than it had expected. "As we have seen elsewhere," said Harry Geller, Sears Workforce Diversity Regional Manager, "because of our programs for people with disabilities, the ADA has had virtually no effect on the number of complaints received.

"By way of comparison, the percentage of disability complaints filed with the Equal Employment Opportunity Commission (EEOC) in 1993 represented 17.4 percent of all charges of discrimination. During the same time period, 10.5 percent of total complaints against Sears for discrimination filed with the EEOC were disability-related, 6.9 percent less than the national average."

Although it is still early in the history of ADA implementation, the success of Sears in relying on effective employer-employee communication to resolve disputes informally serves as a model for other companies.

5 Dispute Resolution and Litigation Avoidance

One crucial aspect of transcending the ADA is to provide alternative methods of dispute resolution to help avoid costly litigation and to foster an environment of cooperation rather than confrontation in managing disability issues in the workplace. Through mid-1994, Sears had encountered six ADA-related employee lawsuits. Given Sears' large number of employees with disabilities, this low incidence is likely the result of two factors:

- The do-the-right-thing corporate culture, manifested in the company's efforts to include people with disabilities throughout its work force
- A formal commitment to alternative dispute resolution, which attempts to resolve most employee litigation through mediation.

Remaining Challenges

Study is needed on the role of education and communication in diffusing, avoiding, and resolving ADA-related disputes between employers and employees; helping people understand their rights and obligations under the act; and empowering people to make informed decisions.

Dispute resolution programs must also become more sensitive to the range of physical and mental disabilities and their specific impact on the dispute resolution process. Preliminary indications are that many employers are using alternative dispute resolution under the ADA to enhance equality of job opportunity. Alternative dispute resolution processes are being used that lead to cost-effective, reasonable accommodations enabling qualified employees with disabilities to work.[7]

Appendices

Appendix A
Employment and Information Technology Resources

The organizations listed below can provide more information on resources identified in this report.

PROJECT SOURCES

Chicago Lighthouse for the Blind
1850 West Roosevelt Road
Chicago, IL 60608
(312) 666-1331

Iowa Creative Employment Options
John A. Nietupski, Ph.D.
Associate Director
257 HS
University of Iowa
Iowa City, IA 52242-1011
(319) 356-4664

Job Accommodation Network
West Virginia University
918 Chestnut Ridge Road
Suite 1
P.O. Box 6080
Morgantown, WV 26506-6080
Toll-free (800) 526-7234

President's Committee on the Employment of People with Disabilities
1331 F Street, N.W.
Washington, D.C. 20004-1107
(202) 376-6200
TDD (202) 376-6205

Program Able
Audrey Walker
c/o Sears, Roebuck and Co.
3333 Beverly Road, EC-233A
Hoffman Estates, IL 60179
(708) 286-8168

Project Access
Joe Dragonette, President
205 West Wacker Drive, Suite 2200
Chicago, IL 60606
(312) 424-5300

Recording for the Blind
20 Roszell Road
Princeton, NJ 08540
(609) 452-0606
Toll-Free (800) 221-4792

Sears Merchandise Group
Workforce Diversity Department
3333 Beverly Road
Hoffman Estates, IL 60179
(708) 286-0570

Wisconsin Employment Resources, Inc.
Sue Kidder, Director
1310 Mendota Street
Suite 107
Madison, WI 53714
(608) 246-3444

INFORMATION TECHNOLOGY SOURCES

ACCENT VOICE SYNTHESIZERS:
AICOM Corp.
1390 Oakland Road
Suite B112
San Jose, CA 95131
Tel. (408) 453-8251
Fax (408) 453-8255

ALVA BRAILLE DISPLAYS:
HumanWare, Inc.
6245 King Road
Loomis, CA 95650
Tel. (916) 652-7253
Toll-free (800) 722-3393
Fax (916) 652-7296

IBM SCREEN READER/2:
IBM Special Needs Systems
P.O. Box 1328
Boca Raton, FL 33429-1328
Tel. (407) 443-2000
Toll-free (800) 342-6672

IBM VOICETYPE II VOICE RECOGNITION SYSTEM:
Dragon Systems
320 Nevada Street
Newton, MA 02160
Toll-free (800) 825-5897

KURZWEIL READERS AND SCANNERS:
Xerox Imaging Systems, Inc.
9 Centennial Drive
Peabody, MA 01960
Tel. (508) 977-2000
Fax (508) 977-2148

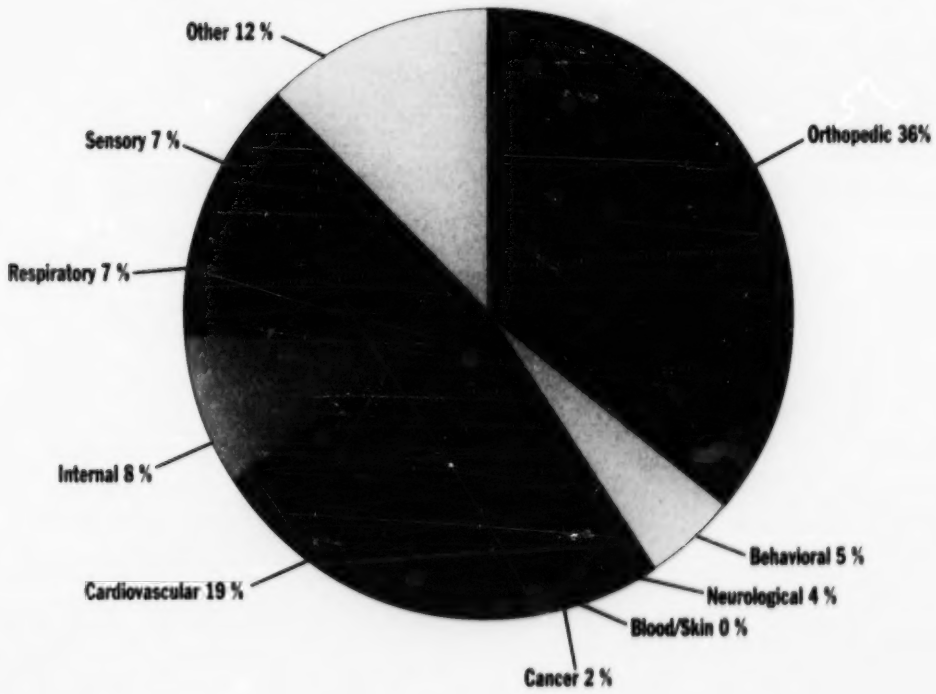
MULTIVOICE VOICE SYNTHESIZERS:
Institute on Applied Technology
300 Longwood Avenue
Boston, MA 02115-5737
Tel. (617) 735-6486
Fax (617) 735-6882

NEC MONITORS:
NEC Technologies
1414 Massachusetts Avenue
Foxborough, MA 01719
Toll-free (800) 632-4636

Appendix B

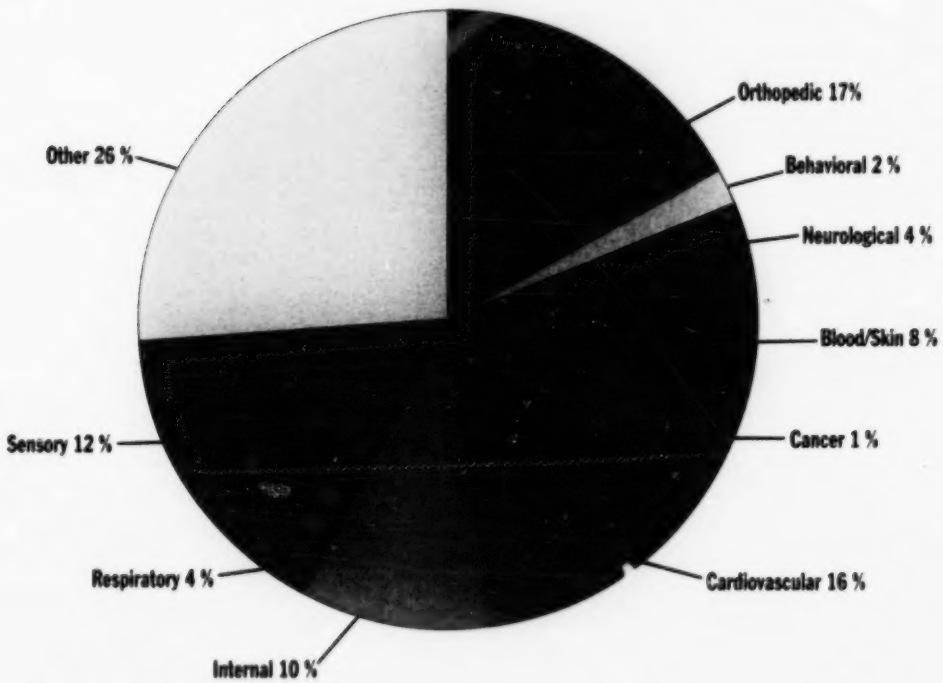
Comparison of 1994 Sears Work Force Data and National Statistics

Sears 1994 Work Force:
Percentage of Disabilities (Type of Impairment)



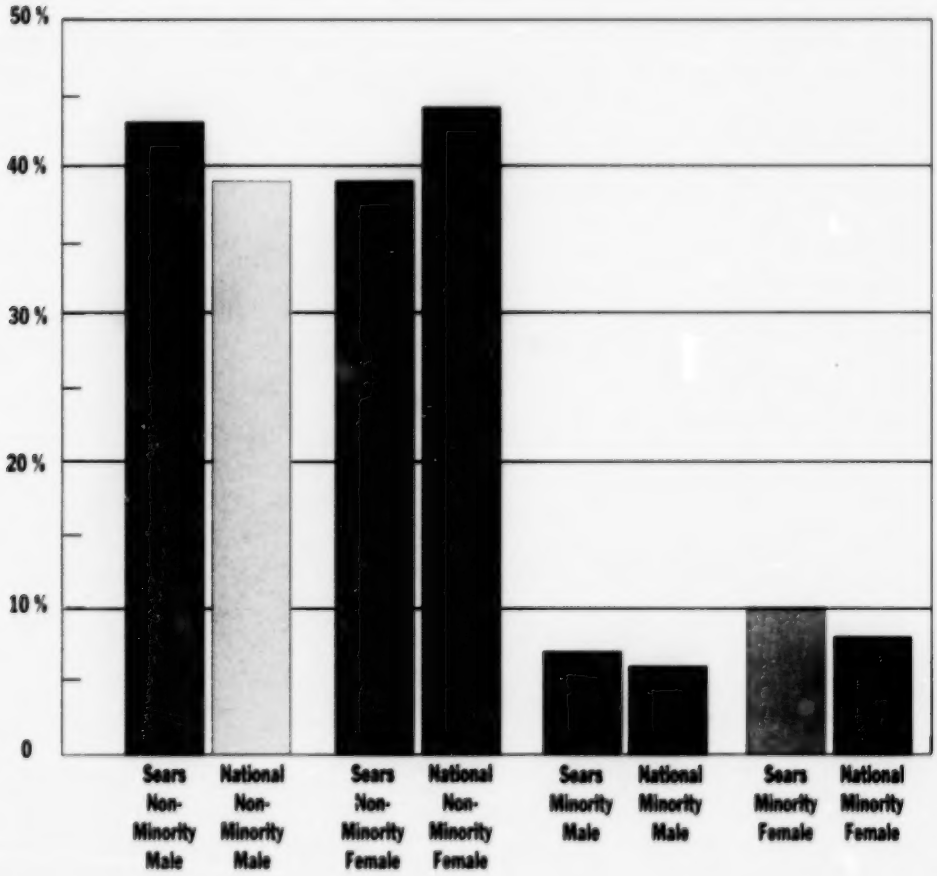
Source: Sears 1994 Work Force Data

National Comparative Data of Persons 15 Years of Age or Older:
Percentage of Disabilities (Type of Impairment)



Source: John M. McNeil, *Americans with Disabilities: 1991-1992, Data from the Survey of Income and Program Participation*, U.S. Bureau of the Census, Current Population Reports (1993)

Comparison of Individuals with Disabilities by Gender and Race in Sears Work Force and National Work Force



Sources: Sears 1994 Work Force Data, and John M. McNeil, *Americans with Disabilities 1991-1992, Data from the Survey of Income and Program Participation*, U.S. Bureau of the Census, Current Population Reports (1993)

Endnotes

[1] Isaac Hawkins has since been promoted to the position of store manager.

[2] See also Michael Alioto and Susan Brummel, "NII: An Investment in People with Disabilities," *The Information Infrastructure: Reaching Society's Goals, A Report of the Information Infrastructure Task Force Committee on Applications and Technology*, publication 868 (Washington, D.C.: National Institute of Standards and Technology, U.S. Department of Commerce, 1994) pp. 5-24.

[3] For a related discussion, see Peter David Blanck, *Communications Technology for Everyone: Implications for the Classroom and Beyond* (Washington, D.C.: The Annenberg Washington Program in Communications Policy Studies of Northwestern University, 1994).

[4] Peter David Blanck, "Integrated Employment, Economic Opportunity and the Americans with Disabilities Act: Empirical Findings from 1990-1993," *Iowa Law Review* 79 (4) (Iowa City: University of Iowa, 1994).

[5] Findings are based on a quarterly follow-up survey to employers who had previously contacted the Job Accommodation Network requesting information on accommodations.

[6] See also *Targeting Disability Needs: A Guide to the Americans with Disabilities Act for Dispute Resolution Programs*, by the American Bar Association Commission on Mental and Physical Disability Law and the Commission on Legal Problems of the Elderly (Washington, D.C.: American Bar Association, 1994).

[7] See Peter David Blanck, Jill H. Anderson, Eric J. Wallach, and James P. Tenney, "Implementing Reasonable Accommodations using ADR under the ADA:The Case of a White-Collar Employee with Bipolar Mental Illness," *Mental and Physical Disability Law Reporter* 18(4) (Washington, D.C.: American Bar Association, 1980) pp. 458-64.

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